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Docket No. 3606-4000

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2161

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 23 2001

Technology Center 2100

Applicant(s): Gillin, Korfmann and Raden

Serial No.: 09/188,810

Group Art Unit: 2761

Filed: November 9, 1998

Examiner: G. Akers

For: TRANSFER INSTRUMENT

[Signature]
5/23/02

CERTIFICATE OF FIRST CLASS MAILING (37 C.F.R. 1.8a)

COMMISSIONER OF PATENTS
Washington, D.C. 20231

Sir:

I hereby certify that the attached:

1. Statement Of Substance Of Interview and
2. Return postcard.

(along with any paper(s) referred to as being attached or enclosed) and this Certificate of Mailing are being deposited with the United States Postal Service on date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner Of Patents, Washington, D.C. 20231.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: March 14, 2001

By: *[Signature]*

Richard Straussman

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PATENT



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STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner Of Patents
Washington, DC 20231

Pursuant to MPEP Section 713.04, this STATEMENT OF SUBSTANCE OF INTERVIEW is submitted herein, a response to the Office Action having been mailed prior to receipt of the Interview Summary.

As a preliminary matter, it is noted that the Examiner indicated during the telephonic interview with the undersigned, on February 12, 2000, that he would provide the interview summary and that the undersigned need not do so. However, when the Examiner's Interview Summary was received, the check box indicating that a record of the substance of the interview from applicant was not necessary was not checked. The undersigned believes this to have been an inadvertent oversight by the Examiner but, nevertheless provides the instant record in an abundance of caution and to ensure the record is complete.

In substance, Office Action was discussed with reference to the Fleming and Sugimori references were discussed. The undersigned pointed out that there were several instances where the Office Action attributed certain teachings to those references, but a review of the cited passages indicated that the cited passages in many cases hardly related to the attributed teachings. Moreover, a review of each reference in their entirety failed to remedy the problem, so it was not a case of a typographical error in citation.

Claims 1 and 30 were also discussed as representative examples where the cited art bore little, if any, relation to the claimed subject matter. In particular, the Fleming reference unquestionably requires issuance of a physical card, allows one person to control the other's credit limit and, as a result, inextricably links the two cards. The Sugimori reference deals with gifting of a digital commodity such as a program, video clip, news item, etc. in a secure manner. It has nothing to do with the invention as claimed in the instant application except to the extent that someone could use applicants' claimed invention to pay for a purchase made in a Sugimori system. Similarly, credit cards governed by a Fleming reference arrangement could be used to pay for a purchase made in a Sugimori system.

The Examiner indicated his understanding of applicants' positions, indicated that the above be set forth in a response to the Office Action and that he would re-review his rejections in light of the discussion and applicants' submission. He further indicated that, if after his review he concurred, the next Office Action (if all claims were not allowable) would not be a Final Office Action.

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The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 13-4500, Order No. 3606-4000. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: March 14, 2001

By: 

Richard Straussman
Registration No. 39,847

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